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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/797,005	03/11/2004	Isabelle M.J. Marbot	P08160US00/MP	3889
881	7590	06/14/2005	EXAMINER	
STITES & HARBISON PLLC 1199 NORTH FAIRFAX STREET SUITE 900 ALEXANDRIA, VA 22314			ASSOUAD, PATRICK J	
			ART UNIT	PAPER NUMBER
			2857	

DATE MAILED: 06/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

AK

Office Action Summary

Application No.

10/797,005

Applicant(s)

MARBOT, ISABELLE M.J.

Examiner

Patrick J. Assouad

Art Unit

2857

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date 3/11/04, 7/27/04.
- 4) ☐ Interview Summary (PTO-413)
 Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Objections

2. Claims 1-8 are objected to because of the following informalities: we repeatedly see the phrase "the said" in all the claims. In addition, we repeatedly see reference to "the data" and "these data." Clarification is recommended. The metes and bounds of the claimed invention are discernible; however, appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-8 are rejected under 35 U.S.C. 102(e) as being anticipated by Quine (US 2004/0246819 A1) published 12/9/04 with effective priority to 11/26/01.

Note: Figures 1 and 3 of Quine are reproduced below for ease in understanding this rejection.

FIG.1

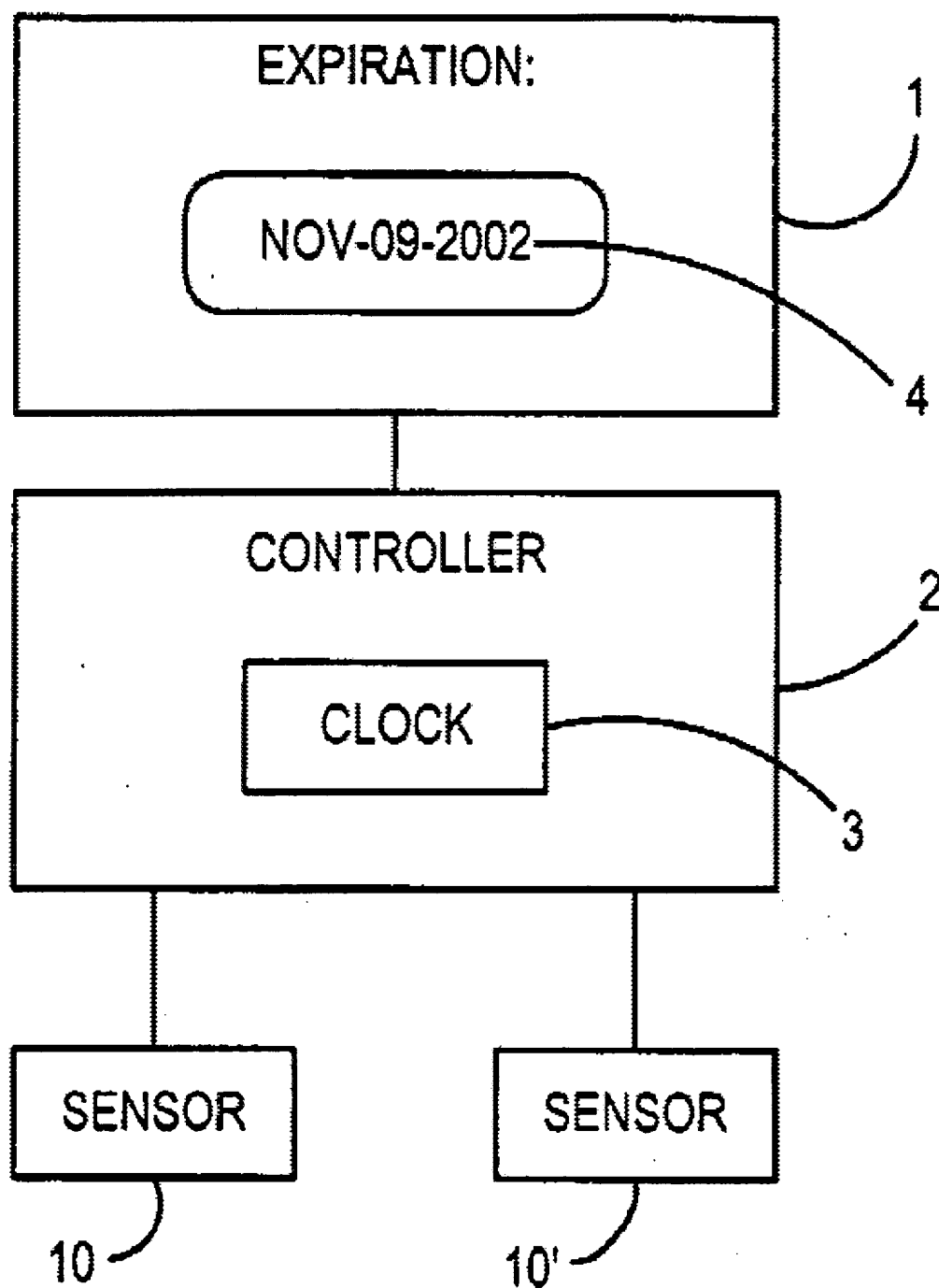


FIG.3

Product	Factor	Trigger	Linear Phase	Step Phase
Ice cream	Air exposure	Open package	Time	Starts with open package
Ice cream	Temperature	Above 22F	- 22F to +32F	Above freezing
Copier toner	Air composition	Open package	-	Nitrogen replaced by air
Copier toner	Humidity	Open package	0%RH to 85%RH	Over 85%RH
Copier toner	Temperature	Over 150F	-	Over 150F
Copier toner	Temperature	Open package	80F to 150F	Over 150F
Meter Ink	Temperature	Below 32F	-	Below freezing
Meter Ink	Temperature	Over 85F	80F to 150F	Over 150F
Meter Ink	Light	Open package	X to Y lumens	Over Z lumens

5. Quine discloses a Method for displaying an environmentally modulated expiration date. The one-to-one correspondence between the instant claimed invention (independent claims 1 and 6) and that of Quine is as follows: the claimed industrial products are any of the products shown in Fig. 3 of Quine; the claimed residual life of a product is directly associated with numerous disclosed factors in Quine, including: the expiration date of a product of Quine, the predicted shelf life (para. 0013), etc.; the means for sensing...is any sensor 10, 10' of Fig. 1 of Quine; the processing means...is controller 2 of fig. 1 of Quine; the means of displaying... is the display (not shown in Quine) showing the expiration date (or predicted shelf life, etc.) for a product; as to entering data of a single type of product, see at least the series of switches or switch selectors or terminals jumpered/wired to various option settings or to the memory which

can be loaded with a specific program, including dates, algorithms, sensor controls, at initialization, in para.0025; and as to the claimed functions which represent decay of the properties of the product as a function of time, again see para. 0025 and the fuzzy logic, linear logic, lookup tables, or preprogrammed proportional relationships of para. 0008 of Quine.

6. As per dependent claims 2 and 5, see the aforementioned series of switches or switch selectors or terminals jumpered/wired to various option settings or to the memory which can be loaded with a specific program, including dates, algorithms, sensor controls, at initialization, in para.0025 of Quine.

7. As per dependent claims 3-4, see at least para. 0028 which refers to an LED display or any other display that can represent data to an observer. With respect to the claimed three different emission colors, this is inherent in Quine because Quine provides warnings and alarms and these alarms and warnings would clearly be triggered and displayed in a variety of ways including different colors on a typical, well-known multi-colored LED display.

8. As per dependent claim 7 which relates to optimal preservation conditions and the law of the variation of its properties, see at least the aforementioned the fuzzy logic, linear logic, lookup tables, or preprogrammed proportional relationships of para. 0008 of

Quine, and also see the discussion regarding adjusting expiration dates and predicted shelf life based on whether favorable or unfavorable conditions are present.

9. As per dependent claim 8, all computer-based systems require code to operate. Quine is a computer/controller-based system.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See the attached PTO-892. Most notable are: Storino ('624 B2) with priority to 10/19/01 which is a method and apparatus for estimating remaining life of a product; and Singh et al. (US 2002/0163436 A1) with priority to 5/3/01 which is a food-quality and shelf-life predicting method and system.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patrick J. Assouad whose telephone number is 571-272-2210. The examiner can normally be reached on Tuesday-Friday, 6:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marc Hoff can be reached on 571-272-2216. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Patrick J. Assouad', with a stylized flourish at the end.

Patrick J Assouad
Primary Examiner
Art Unit 2857

pja